

REMARKS

Claims 1-44 are pending in the application. Claims 1-44 were rejected under 35 U.S.C. 102(a) as being unpatentable over Hanks *et al.* (*Proposal for a Very Short Reach (VSR) OC-192/STM-64 Interface based on Parallel Optics*, OIF-99.120, pages 1-10, first released for review on September 24, 1999) (hereinafter "Hanks"). Claims 38, 39, and 43 are being amended to correct informalities; Applicants thank the Examiner for pointing out these informalities. No new matter is being introduced.

With respect to Part 2 of the Office Action at hand, Applicants believe that the application as originally filed properly claims priority to U.S. Provisional Application No. 60/168,049 filed on November 30, 1999. Applicants believe that proper co-pendency existed between the provisional application and the application at hand, filed January 18, 2000. Applicants respectfully request the statement in Part 2 of the Office Action be reviewed and withdrawn.

With respect to the rejections under 35 U.S.C. 102(a), Applicants are filing herewith a Declaration under 37 C.F.R. 1.131 and four documents relied upon therein showing that Applicants: (a) conceived of the invention prior to Hanks, (b) were in possession of the invention prior to Hanks and at the time of filing, and (c) diligently reduced the invention to practice, which was done constructively as evidenced (i) by the product specification referred to in the Declaration and (ii) by the filing of the present application on January 18, 2000.

Accordingly, Applicants respectfully request the rejection under 35 U.S.C. 102(a) be withdrawn.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims (Claims 1-44) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mark B. Solomon
Mark B. Solomon
Registration No. 44,348
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

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